

HOUSE BILL NO. 280

IN THE LEGISLATURE OF THE STATE OF ALASKA

THIRTY-FIRST LEGISLATURE - SECOND SESSION

BY REPRESENTATIVE TARR

Introduced: 2/24/20

Referred: Resources, Finance

A BILL

FOR AN ACT ENTITLED

1 **"An Act establishing the Alaska Invasive Species Council in the Department of Fish and**
2 **Game; relating to management of invasive species; and providing for an effective date."**

3 **BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:**

4 * **Section 1.** AS 16.20 is amended by adding new sections to read:

5 **Article 6. Control of Invasive Species.**

6 **Sec. 16.20.810. Alaska Invasive Species Council.** (a) The Alaska Invasive
7 Species Council is an advisory council established in the department to facilitate
8 efforts by the department, the Department of Natural Resources, the Department of
9 Environmental Conservation, the Department of Transportation and Public Facilities,
10 and other natural resource-related governmental entities operating in the state to
11 prevent, manage, and eradicate invasive species in the state by

12 (1) facilitating cooperation between state, federal, tribal, and local
13 agencies and nongovernmental organizations;

14 (2) assisting in coordination of prevention, management, and

1 eradication activities, including those undertaken by local governments and
 2 nongovernmental organizations;

3 (3) developing coordinated interagency strategies and policies;

4 (4) upon a state agency's request, providing guidance as to how to
 5 prioritize the state agency's responses to occurrences of invasive species and how
 6 funds made available under AS 16.20.870 may be best used;

7 (5) recommending expenditures from the invasive species response
 8 fund;

9 (6) providing technical information and assistance to persons engaged
 10 in regional and national invasive species control efforts.

11 (b) Except as provided in (c) of this section, the council consists of

12 (1) the following members appointed by the governor to three-year
 13 terms:

14 (A) a representative of a soil and water conservation district
 15 established under AS 41.10.130;

16 (B) a person engaged in commercial agriculture, horticulture,
 17 or landscaping;

18 (C) a person engaged in commercial aquaculture or
 19 mariculture;

20 (D) a representative of a commercial fishing organization;

21 (E) a representative of a sport fishing organization;

22 (F) a representative of an Alaska tribal entity;

23 (G) a representative of an Alaska Native corporation;

24 (H) a person engaged in the tourism industry;

25 (I) a person who owns a seaplane, is employed as a seaplane
 26 pilot, or is otherwise knowledgeable about seaplanes;

27 (J) a representative of an organization formed to combat the
 28 spread of invasive species in the state;

29 (K) a person involved in the forest products industry;

30 (L) a person engaged in commercial excavation work or
 31 construction;

(M) a person who has worked for or participated in a state program to prevent the spread of invasive plants;

(N) a member or representative of the Alaska Municipal League;

(O) a person engaged in management, research, or education activities relating to invasive species;

(P) a person engaged in the shipping industry;

(Q) a representative of a utility knowledgeable about utility corridors;

(2) a representative from each of the following federal agencies, serving ex officio, if the agency elects to participate:

(A) the Department of the Interior;

(B) the Department of Commerce;

(C) the Department of Agriculture;

(D) the Department of Homeland Security;

(E) the Department of Defense;

(3) the commissioner from each of the following departments or the commissioner's designee, serving ex officio:

(A) the Department of Fish and Game;

(B) the Department of Natural Resources;

(C) the Department of Environmental Conservation;

(D) the Department of Transportation and Public Facilities; and

(4) the chairperson of the board of directors of the Alaska Railroad Corporation or the chairperson's designee.

(c) The council may, as the council finds necessary, invite additional persons to be nonvoting advisory members of the council. The council may prescribe procedures for the participation of persons added to the council under this subsection.

(d) The council shall adopt bylaws to govern its operation. The bylaws must provide procedures for

(1) decision making;

(2) periodically electing one member as chair;

1 (3) calling meetings; and

2 (4) establishing subcommittees and advisory committees.

3 (e) The council shall meet at least once each year. Meetings and council votes
4 may be held telephonically.

5 (f) Members of the council serve without compensation and are not entitled to
6 per diem and travel expenses. However, a member appointed under (b)(3) of this
7 section is entitled to per diem and travel expenses as a state employee.

8 (g) By January 15 of each odd-numbered year, the council shall prepare and
9 present to the legislature an updated five-year strategic plan that addresses the
10 economic effects of invasive species and includes the council's suggested priorities for
11 addressing invasive species and recommendations on legislation and funding required
12 to implement the council's priorities. The council shall transmit the plan to the
13 president of the senate and the speaker of the house of representatives.

14 (h) Council members serve staggered three-year terms and until a successor is
15 appointed. If a vacancy occurs, the governor shall immediately appoint a member for
16 the unexpired portion of the term.

17 **Sec. 16.20.820. Control of invasive species.** (a) In responding to the presence
18 of an invasive species, the department may

19 (1) consistent with applicable state and federal law, use chemical,
20 biological, mechanical, or physical methods, singly or in combination, to control or
21 eradicate the species;

22 (2) survey, map, or investigate land or water in the state in which the
23 species is known or reasonably suspected to be present;

24 (3) summarily open or close a season or area under AS 16.05.060;

25 (4) issue orders, regulations, quarantines, and embargoes relating to

26 (A) prevention, control, and eradication of the species;

27 (B) examination and inspection of premises containing
28 products, articles, and commodities containing the species; and

29 (C) inspection and decontamination of seaplanes, boats, and
30 other personal property having the potential to transport an invasive species
31 from one aquatic environment to another and establishment and operation of

1 inspection stations; and

2 (5) perform tests and analyses and hold hearings to determine whether
3 the department should take action under AS 16.20.810 - 16.20.900.

4 (b) In responding under (a)(1) of this section to the occurrence of an incipient
5 population of an invasive species, the department shall provide reasonable notice to
6 affected property owners and shall consider the potential effects of its response
7 measures on private property while selecting the most effective methods to eradicate
8 or control the species. In this subsection, "incipient population" means a small
9 localized population of an invasive species that is beginning to reproduce or become
10 established in an area or ecosystem.

11 **Sec. 16.20.830. Classification and listing of non-native species.** (a) The
12 department shall classify non-native species as prohibited, regulated, or approved. In
13 classifying a non-native species under this section, the department shall consider the
14 following criteria:

15 (1) the likelihood of introduction of the non-native species if the
16 species is allowed to enter or exist in the state;

17 (2) the likelihood that the non-native species will naturalize in the state
18 if the species is introduced;

19 (3) the magnitude of potential adverse effects of the non-native species
20 on the health of the state's people, economy, and native fish, flora, and fauna;

21 (4) the ability of the department to eradicate or control the spread of
22 the non-native species if introduced in the state; and

23 (5) other criteria established in regulation.

24 (b) If the department finds under this section that a non-native species poses a
25 high risk of harm to the economy, environment, or human health, the department shall
26 prohibit the importation, possession, and use of the species.

27 (c) If the department finds under this section that a non-native species must be
28 regulated to prevent the species from causing harm to the economy, environment, or
29 human health, the department shall regulate the importation, possession, and use of the
30 species.

31 (d) Unless a non-native species is listed under (f) of this section, the

1 department may classify the non-native species as approved only if the department
 2 finds under this section that the species does not pose a risk of harm to the economy,
 3 environment, or human health.

4 (e) The department shall maintain lists of non-native species that are
 5 prohibited, regulated, or approved under this section. The department shall review the
 6 lists at least once every three years. The department may reclassify a listed non-native
 7 species based on additional information. A person may petition the department to
 8 classify and list a non-native species that has not yet been classified by the department
 9 as prohibited, regulated, or approved.

10 (f) The following non-native species are approved non-native species under
 11 this section:

12 (1) species approved by the department in regulation for possession in
 13 the state;

14 (2) mammals and birds identified by statute or regulation as livestock;

15 (3) fish stocked in state water under AS 16.05.050.

16 **Sec. 16.20.840. Treatment of invasive species.** (a) The commissioner shall
 17 adopt regulations relating to the lawful use of an invasive species in the state.

18 (b) The department may issue permits for the importation and possession of an
 19 invasive species for purposes approved by the commissioner. A person may not import
 20 or possess an invasive species without a permit issued under this subsection.

21 (c) A person applying for a permit under (b) of this section shall file with the
 22 department a bond or deposit, in a form and in an amount determined by the
 23 department, to pay for costs and damages associated with a potential release of the
 24 species. A bond required by this subsection remains in effect until cancelled by the
 25 department.

26 (d) The department may seize and destroy a specimen of an invasive species
 27 that is not covered by a permit issued under (b) of this section.

28 **Sec. 16.20.850. Infested waters: designation; restrictions.** (a) The
 29 department shall, in consultation with the Department of Natural Resources and the
 30 Department of Environmental Conservation, designate a water of the state as an
 31 infested water if the department determines that the water contains a population of an

invasive species that may spread to other waters if use of the water is not regulated.

(b) In infested waters,

(1) the department may prohibit or restrict the

(A) transportation of surface water;

(B) harvesting of aquatic bait;

(C) transportation of fish and aquatic bait in water, except that the department may not prohibit the transportation or storage of fish in or on ice;

(D) use of seaplanes, boats, and other personal property having the potential to transport an invasive species from one aquatic environment to another; and

(2) a dock, float, or similar infrastructure may not be removed and placed in another water of the state unless authorized by the department.

Sec. 16.20.860. Invasive species management requirements relating to seaplanes, boats, or other personal property. (a) Upon removing from water in the state a seaplane, boat, or other personal property having the potential to transport an invasive species from one aquatic environment to another, a person shall, to the extent practicable and in accordance with applicable laws and protocols,

(1) clean the personal property and remove visible organic material, including plants and animals, and soil or water body bottom substrates;

(2) pump or otherwise expel water from the personal property; and

(3) dry compartments, spaces, and associated equipment that may hold water.

(b) Drain plugs must be removed before the out-of-water transport of a seaplane, boat, or other personal property.

(c) A person may not transport from one water body to another personal property with vegetation attached.

Sec. 16.20.870. Invasive species response fund. The invasive species response fund is established in the general fund. The fund consists of appropriations made to the fund. Money appropriated to the fund does not lapse. The department may use money appropriated to the fund for responses made to prevent or control the

occurrence of or to eradicate an invasive species, without further appropriation.

Sec. 16.20.900. Definitions. In AS 16.20.810 - 16.20.900,

(1) "introduce" or "introduction" means the intentional or inadvertent release, escapement, dissemination, establishment, or placement of a species into an ecosystem outside the natural range of the species as a result of human activity or failure to act;

(2) "invasive species" means a species classified as prohibited or regulated under AS 16.20.830;

(3) "non-native species" includes any biological material capable of propagating a species that is not native to the state or an ecosystem in the state.

* **Sec. 2.** The uncoded law of the State of Alaska is amended by adding a new section to read:

APPOINTMENT OF MEMBERS AND CHAIR AND TIMING AND NUMBER OF MEETINGS REQUIRED IN INITIAL YEAR. (a) Notwithstanding AS 16.20.810(h), added by sec. 1 of this Act, the governor shall appoint the initial members of the Alaska Invasive Species Council required under AS 16.20.810(b)(1) within 60 days after the effective date of this Act. Notwithstanding AS 16.20.810(d)(2), the governor shall designate one member to serve as the initial chair of the council. The governor shall appoint the members to staggered terms as follows:

(1) six members shall be appointed to serve three years;

(2) six members shall be appointed to serve two years; and

(3) five members shall be appointed to serve one year.

(b) Notwithstanding AS 16.20.810(d) and (e), added by sec. 1 of this Act, the Alaska Invasive Species Council shall

(1) hold its first meeting within 90 days after the appointment of members under (a) of this section; and

(2) meet at least four times in the 12 months following the appointment of members under (a) of this section.

* **Sec. 3.** This Act takes effect immediately under AS 01.10.070(c).